

Anthony J. Costantini  
John Dellaportas  
Brian Damiano  
1540 Broadway  
New York, New York 10036  
(212) 692-1000  
*Attorneys for Plaintiff Drew Scientific, Inc.*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
DREW SCIENTIFIC, INC.,

Plaintiff,

-v-

POINTCARE TECHNOLOGIES, INC.,

Defendant.  
-----X

08 CV 1490 (AKH)

**DECLARATION OF ANTHONY  
J. COSTANTINI IN SUPPORT  
OF PLAINTIFF'S MOTION FOR  
A PRELIMINARY INJUNCTION**

ANTHONY J. COSTANTINI declares:

1. I am a member of the law firm of Duane Morris LLP, attorneys for plaintiff Drew Scientific, Inc. ("Drew") in the above-captioned action. I submit this Declaration in support of Drew's motion for this Court to issue a preliminary injunction pursuant to Federal Rule of Civil Procedure 65, directing defendant PointCare Technologies, Inc. ("PointCare") to comply with the terms of the parties' Agreement and requiring PointCare to cease all related misconduct.
2. The purpose of this Declaration is to put before the Court the documents which establish that Drew's motion for a preliminary injunction should be granted in its entirety.
3. A true and correct copy of the Complaint in this action and Exhibit 1 thereto is annexed hereto as Exhibit 1.

4. A true and correct copy of the Affidavit of Richard J. DePiano, Sr. in Support of Order to Show Cause, dated February 13, 2008, with exhibits thereto, is annexed hereto as Exhibit 2.

5. A true and correct copy of the Affidavit of Petra B. Krauledat in Opposition to Order to Show Cause dated February 19, 2008 is annexed hereto as Exhibit 3.

6. A true and correct copy of the transcript of the February 19, 2008 hearing on Drew's Order to Show Cause is annexed hereto as Exhibit 4.

7. True and correct copies of relevant excerpts from the March 27, 2008 deposition of Donald E. Barry, Jr. are collectively annexed hereto as Exhibit 5, together with selected exhibits thereto.

8. True and correct copies of relevant excerpts from the April 1, 2008 deposition of George Chappell are collectively annexed hereto as Exhibit 6, together with selected exhibits thereto.

9. True and correct copies of relevant excerpts from the March 25, 2008 deposition of Herbert Chow are collectively annexed hereto as Exhibit 7, together with selected exhibits thereto.

10. True and correct copies of relevant excerpts from the April 11, 2008 deposition of Amy Coughlin are collectively annexed hereto as Exhibit 8, together with selected exhibits thereto.

11. True and correct copies of relevant excerpts from the April 2, 2008 deposition of Richard DePiano are collectively annexed hereto as Exhibit 9, together with selected exhibits thereto.

12. True and correct copies of relevant excerpts from the March 27, 2008 deposition of Andrea Desrosiers are collectively annexed hereto as Exhibit 10, together with selected exhibits thereto.

13. True and correct copies of relevant excerpts from the March 26, 2008 deposition of Peter Hansen are collectively annexed hereto as Exhibit 11, together with selected exhibits thereto.

14. True and correct copies of relevant excerpts from the April 4, 2008 deposition of Petra Krauledat are collectively annexed hereto as Exhibit 12, together with selected exhibits thereto.

15. True and correct copies of relevant excerpts from the March 28, 2008 deposition of Francis Matuszak are collectively annexed hereto as Exhibit 13, together with selected exhibits thereto.

16. True and correct copies of relevant excerpts from the April 3, 2008 deposition of Linsey Rockingham are collectively annexed hereto as Exhibit 14, together with selected exhibits thereto.

17. True and correct copies of relevant excerpts from the April 9, 2008 deposition of James Gary Young are collectively annexed hereto as Exhibit 15, together with selected exhibits thereto.

18. True and correct copies of all other documents cited to in Drew's Memorandum of Law in Support of Plaintiff's Motion for a Preliminary Injunction are organized in chronological order for the Court's convenience, and are collectively annexed hereto as Exhibit 16.

19. True and correct copies of Dr. Peter Hansen's relevant correspondence with the United States Patent and Trademark Office are collectively annexed hereto as Exhibit 17.

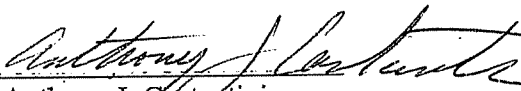
20. A true and correct copy of the draft joint letter to the Hon. Alvin K. Hellerstein dated March 24, 2008 is annexed hereto as Exhibit 18.

21. A true and correct copy of my April 9, 2008 letter to Andrew B. Caplan is annexed hereto as Exhibit 19.

22. A true and correct copy of the Affidavit of Francis Matuszak in Support of Motion for Preliminary Injunction dated April 15, 2008 is annexed hereto as Exhibit 20.

Pursuant to 28 U.S.C. § 1746, I declare under the penalties of perjury that the foregoing is true and correct.

Dated: New York, New York  
April 16, 2008

  
\_\_\_\_\_  
Anthony J. Costantini